

# Notice of Allowability

Application No.

10/767,508

Examiner

MANSOUR M. SAID

Applicant(s)

KOAY ET AL.

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## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5/31/07.
2. ☒ The allowed claim(s) is/are 1-7 & 19-24 and renumbered as 1-23.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 2-20-07
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

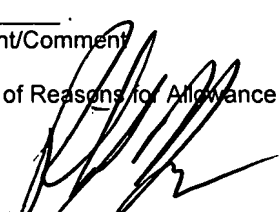
5. ☐ Notice of Informal Patent Application

6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_

7. ☐ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other \_\_\_\_\_

  
RICHARD HJERPE  
SUPERVISORY PATENT EXAMINER  
BIOLOGY CENTER 2600

## DETAILED ACTION

### *Allowable Subject Matter*

**1. Claims 1-17 and 19-24 are allowed.**

The following is an examiner's statement of reasons for allowance: Claims 1-17 and 19-24 are allowed since certain key features of the claimed invention are not taught or fairly suggested by prior art. **In claim 1**, "wherein light received by said sensor is used to measure movement of said optical navigation device relative to said surface; and a light-sensitive device coupled to said light source, said light-sensitive device disposed to receive light from said light source to regulate light emitted from said light source according to a level of light received at said light-sensitive device". **In claim 10**, "wherein light received at said sensor is used to measure movement of an optical navigation device relative to said surface; receiving light at a light-sensitive device, wherein light received by said light-sensitive device is also emitted by said light source; and regulating said light source according to a level of light received at said light-sensitive device". **In claim 19**, "wherein said light-regulating device comprises: a light-sensitive device to generate an output having a magnitude that corresponds to a level of light received by said light-sensitive device from said light source; and an electronic circuit coupled to said light-sensitive device, said electronic circuit comparing said output to a threshold and generating an output signal that indicates whether or not said threshold is met". The closest prior art Rotzoll (2003/0103037 A1) teaches an optical pointing device comprising a photosensitive element for generating a pixel output signal in response to radiation reflected from an illuminated portion of a surface, Son et al. (2002/0080117 A1) teach an optical mouse which can move a cursor on a

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display screen of a computer system by varying arrangement of optical parts and structures using regularly reflected light in light emitted from a light source, however, singularly or in combination with other prior art, fail to anticipate or render the above underlined limitations obvious.

2. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### *Conclusion*

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mansour M. Said whose telephone number is 571-272-7679. The examiner can normally be reached on Monday through Thursday from 8:30-6:00 P.M. The examiner can also be reached on alternate Friday from 8:30 a.m. to 5:00 p.m. EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard A. Hjerpe whose telephone number is 571-272-7681.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to: 571-273-8300 (for Technology Center 2600 only)

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Hand-delivered responses should be brought to the Customer Service Window at the Randolph Building, 401, Dulany Street, Alexandria, VA 22314.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**Mansour M. Said**

6/7/07



RICHARD HJERPE  
SUPERVISORY PATENT EXAMINER  
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